

THE CASE FOR AFFIRMATIVE ACTION FROM ONE WHO HAS BEEN THERE

**HON. ESTEBAN EDWARD TORRES**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 13, 1995*

Mr. TORRES. Mr. Speaker, I would like to take this opportunity to place in the CONGRESSIONAL RECORD an article that was sent to me by Harriet Blair of Montebello, CA.

Harriet Blair has been involved in community affairs in southern California for many years and knows the valuable role affirmative action has played in our society.

She has asked me to share with my colleagues an open letter written by Prof. Dave Malcolm to the five Supreme Court Justices who voted to place serious limitations on affirmative action. I believe Mr. Malcolm's open letter on the subject of affirmative action should be given strong consideration by my colleagues in the House of Representatives, and I am happy to place it in the RECORD at this time.

AN OPEN LETTER TO FIVE JUSTICES

GENTLEPERSONS: On Monday, June 12, 1995, at 10:50 a.m. I left the office of my cardiologist having just been informed that my aortic valve implant was "leaking" and that replacement surgery would be required sometime within the next three to six months.

At 10:55 a.m., same date, I heard on the radio in my car about two new Supreme Court 5-4 decisions, each apparently placing serious additional limitations on programs of affirmative action. I drove homeward, feeling sick at heart—not from feelings of anxiety about my imminent open-heart surgery but from feelings of dismay at the direction in which my country seems to be moving, especially in regard to affirmative action.

You see, I know a lot about Affirmative Action. I count myself an expert on the subject. After all, I have benefited from it all my life. That is because I am white, I am male, I am Anglo and I am Protestant. We male WASPs have had a great informal affirmative action program going for decades, maybe centuries. I'm not speaking only of the way our "old boy networks" help people like me get into the right colleges or get jobs or get promotions. That's only the surface. Underneath, our real affirmative action is much more than this, much more than just a few direct interventions at key moments in life. The real affirmative action is also indirect and at work twenty-four hours a day, seven days a week, year in and year out. Because it is informal and indirect, we tend to forget or deny just how all-important and all-pervasive it really is.

However, far be it from me to put the direct "old boy" surface stuff down. I was admitted without difficulty to the ivy league college my father had attended. This was back in the days when the only quotas were quotas to keep certain people out, not to help them get in. There were no limits on reasonably bright kids like me—the admissions people spoke of the children of alumni as "legacies", but whether this was because the college was inheriting us as students or because the college hoped to inherit money from our families, I was never quite sure. I got a teaching job right out of college in the heart of the depression—my father was a school superintendent well liked among his colleagues. After World War II, when I became a university professor, I received promotion and tenure in minimum time, more

quickly than many of my women colleagues. Of course, the decision makers knew me better—I was part of the monthly poker group and played golf every Friday afternoon. Yes, direct affirmative action, direct preferential treatment because of my gender and my color and good connections has been good to me, there is no question about that.

But, like other white males, I have benefited less obviously but far more significantly from indirect unequal or preferential treatment based on color or gender or nationality or religion or some combination thereof. This indirect aspect of informal affirmative action is subtle and less visible even though it is the really big one and it begins practically from birth. Indirect affirmative action is at work to greater or lesser degree on behalf of virtually all white males, whether one is aware of it or not. Indirect affirmative action is what didn't happen to me, the destructive, painful stuff that I didn't have to endure that so many other folks did. Real early in life I knew that boys were more important than girls—and so did the girls. I never have had to endure the pain of having any of my kids come home crying and asking "Daddy, why can't I be white?" Only quite late in my life did I discover how frequently young black or brown parents have to live with this pain.

I never have had to worry about whether my skin color was light enough or dark enough. My only concern about my skin has been not to get too badly sunburned the first hot day each summer and not to get skin cancer from too much exposure. For two of my long-time colleagues and closest personal friends, it has been a very different story. Raymond was the lightest skinned member of his family. He recalls that he was the only one who could get his hair cut down town—but the family had to drop him off a block away from the barber shop. He once told me that he had probably spent more time worrying about his light skin than any other one thing in life. Would his fellow African-Americans think he was black enough? When whites thought he was East Indian or South American, should he let them think so? Maria had the opposite problem. As a child, she was called "la prieta" ("the little dark one"). Even though she knew the diminutive was a mark of affection, she still was aware that the label was no compliment. When she became a young woman, well-meaning whites told her "You don't look Mexican", meaning that she looked more Spanish and hence almost white. The message always hurt deeply—not simply because the speakers personally so clearly believed that there was something inferior about being Mexican but also because they had unhesitatingly assumed that she did too and hence would consider such a statement to be a compliment.

I never have had to endure "what-is-he-doing-here?" looks any time I walked along a residential street in a suburban area. I have not had to notice white women clutching their purses more tightly when they meet me walking along the street. I never have seen the "For Rent" or "For Sale" signs figuratively snatched out of the window as I walked up to the front door. I cannot even begin to imagine the barrage of insults, large and small, that send a five- or six-year-old running tearfully home to ask Mommy or Daddy "Why can't I be white?"

Out of the dozens of times I have crossed the border from Tijuana to San Diego, the one time I was pulled over to have my car inspected was when returning with Raymond and another African-American male as passengers. I was furious, but they restrained me—assuring me it was no big deal, that it happened to them all the time. That day I got some small sense of the rage and fury

and helplessness and frustration that persons different from me experience daily and are forced to smother, to hold bottled up churning around furiously somewhere deep inside.

I have never been so bombarded by negative messages that I began to internalize them, to half-way suspect they might in part be true. I have never had to try to participate in class, all the while holding my anger tightly inside lest it explode. As a professional person, I've never had to carry the burden of knowing that the slightest mispronunciation or grammatical error on my part will be seized upon by some people as validation of their negative stereotypes, not only about me but also about my people. But entire populations of my potential competitors have labored and still are laboring under disadvantages of this very sort as they compete with me. This is white male "affirmative action" at its most effective—the flip side of destructive life-long bombardment by negative messages. [White women benefit at the expense of their darker-skinned sisters from the very same processes that put them at disadvantage compared to white males!]

Yes, affirmative action for some folks remains alive and well and unthreatened by court decisions. I ought to know. All my life I have been an indirect beneficiary because indirect affirmative action has been so effective at crippling or eliminating so many of those who might have been my competitors. As a white male, I never have had to compete with them on a level playing field.

The promise of the American dream is a society which is color-fair, not color-blind. Formal affirmative action programs play a dual role. They make the playing fields a bit more level and they remind us that we still have far to go. It is no solution for society to trash its current formal efforts to make opportunity a little more equal as long as so many powerful informal barriers to equality of opportunity still persist.

Think about it.

DAVE MALCOLM,  
San Diego, California.

TRIBUTE TO THE LATE CELIA HARE MARTIN

**HON. E de la GARZA**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 13, 1995*

Mr. DE LA GARZA. Mr. Speaker, this past weekend my longtime previous administrative assistant, Celia Hare Martin, passed away. I was deeply saddened to hear this news as I know those of you who knew Celia will be too.

In a city where this word is all too loosely used, Celia Hare Martin was an institution. For over 40 years she helped to grease the wheels here in Congress and to make things run smoothly and more efficiently.

She first came to Congress in 1948 when she was employed by then Congressman Lloyd Bentsen, Jr. as his secretary—the top staff position at that time. When Lloyd Bentsen retired, she stayed on with his successor, Joe M. Kilgore, in that same position. When I was elected and came to Congress in January of 1965 I was fortunate to inherit her as my administrative assistant. She worked here when former President Gerald Ford was a neighbor just down the hall, and when an energetic young Congressman named Jack Kennedy greeted her in passing each day. These were the days when dictaphones and typewriters were hi-tech. They were very special times.

Anyone who knew Celia knows how witty, energetic and intelligent she was. She thoroughly understood the legislative process and the workings of this institution, and she met every challenge head on. In fact, the motto by which she operated was that the impossible only takes a bit longer to achieve. When Celia took on a task that usually proved to be true. It is the standard she set for my office—an admirable goal indeed, and one which we have always sought to live up to.

She was above all a woman who knew how to get things done, who never accepted the mediocre and who always believed that we were all here to serve and to make a difference. That is exactly what Celia did. As my administrative assistant she made a difference in the quality of life in the 15th District of Texas which I am privileged to represent. To my constituency back home Celia was known as "our lady in Washington." She lived up to that title and more.

Celia Hare Martin truly was a maverick in her time, and I should add a local legend by virtue of the fact that she has had the longest tenure of any employee in one congressional office. As far as I am concerned there has never been anyone like her and there never will be again. She is going to be greatly missed.

#### HONORING JOE ALEXANDER

#### HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 13, 1995*

Mr. MORAN. Mr. Speaker, I rise today to pay tribute to one of the Nation's best known and most revered public transportation professionals, who is retiring after 25 years of service. Joe Alexander resigned from the Washington Metropolitan Area Transit Authority Board of Directors on June 26, 1995. The Metro Board will honor him for his quarter century of service to Metro and the transit industry at a reception on September 15, 1995.

Joe Alexander is synonymous with the planning, financing, and construction of the 103-mile Metrorail system. He was appointed to the Metro Board in 1971 and assumed a leadership role in persuading the citizens of Fairfax County to approve bonds to finance their share of the Metrorail system. He went on to become chairman of the Metro Board four times: 1975, 1981, 1987, and 1993. But those titles only scratch the surface of his achievements.

On his watch, the Metrorail system took shape: the initial opening of service on the Red Line from Farragut North to Union Station (1976), followed by the Blue Line from Stadium-Armory to National Airport (1977); the Orange Line from Rosslyn to Ballston (1979); the Yellow Line from Gallery Place to the Pentagon (1983); the Blue Line from National Airport to Huntington (1983); the Orange Line from Ballston to Vienna (1986); and the Green Line from Ft. Totten to Greenbelt (1993). The Metrorail system now encompasses 89.5 miles and 74 stations and will add 3.3 miles and the Franconia-Springfield Station in 1997. This facility will add the last planned station in Fairfax County and the Commonwealth of Virginia, a 3,600-space parking garage and the only Metrorail station in Joe Alexander's magisterial

district. Joe Alexander made sure his job was complete before he decided to move on.

Metrorail has earned the nickname "America's Subway" for its unparalleled design, convenience, and the highest cost recovery ratio of any heavy rail system in the Nation—71 percent. Over 500,000 trips per day, including many Members of Congress, staff and most importantly our constituents, are taken on Metrorail. It represents among the highest level of accomplishment to which elected officials can aspire and is embodied by the career of Joe Alexander.

Joe Alexander was not content, however, to confine his activities in the transit industry to Metro. He was a founding member of the Northern Virginia Transportation Commission [NVTC] in 1964. NVTC consists of the cities of Alexandria, Fairfax, and Falls Church and the counties of Arlington, Fairfax, and Loudoun and is responsible for coordinating the financial and service plans of these localities who are included in the Metro service area. He served as chairman of NVTC in 1970, 1971 and 1972. His chairmanship was highlighted by NVTC's receipt of the Shirley Highway Demonstration Project grant from U.S. DOT in 1971. This project was the first of its kind in the Nation to demonstrate the enormous benefits of express bus service on grade-separated high-occupancy-vehicle lanes and is now a common transportation demand management strategy in metropolitan areas around the country.

In 1974, Joe Alexander was among the regional leaders to organize and implement the takeover of four private bus companies to form the Metrobus system. The Metro board acquired 600 new buses, restructured routes and fares and delivered great improvements for the regional bus system in a few short years.

Joe Alexander was a major player at the State level, also. He served as chairman of the Virginia Association of Public Transit Officials [VAPTO] for 4 years. His tenure was highlighted by the VAPTO-created Commonwealth Mass Transit Fund at the 1986 Virginia General Assembly. This fund guarantees mass transit a fixed percentage of the Transportation Trust Fund and for the first time created a stable and reliable source of State funds for Metro and transit systems throughout Virginia.

Joe Alexander did not stop there. He has been very active at the American Public Transit Association [APTA], serving as chairman from 1982 to 1984. There is no person in this country who knows, has worked with or enjoys the respect of as many people in the transit industry as Joe Alexander.

And if all of this is not enough, Joe Alexander will finish out his term on the Fairfax County Board of Supervisors in January, 1996, after serving 32 years as supervisor of Lee District. When Joe Alexander took office in Fairfax, the beltway did not exist and Fairfax had more cows than people. Today, Fairfax is approaching 1 million in population and is the home of one of the highest-rated public education systems and high-technology business sectors in the country.

Joe Alexander is an icon in the transit industry locally and nationally. His service has been marked by dedication; a commitment to excellence; and an unwavering determination to achieve the highest goals for public transit and government service. We recently celebrated the lifelong achievement of Cal Ripken,

Jr. as he broke Lou Gehrig's record for consecutive games played in Major League Baseball. Joe Alexander's lifetime record in the transit field is no less worthy of the same recognition accorded Cal Ripken.

Mr. Speaker, I know my colleagues join me in honoring Joe Alexander for his many years of service and contributions to the transit industry. We wish him and his family continued success in the years ahead.

#### A TRIBUTE TO JACK STONE, AGRICULTURALIST OF THE YEAR

#### HON. CALVIN M. DOOLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 13, 1995*

Mr. DOOLEY. Mr. Speaker, I rise before my colleagues today to pay a special tribute to Jack Stone, a fellow Kings County farmer and rancher who has been honored by his community.

A true pioneer of the San Joaquin Valley's west side, Jack is an especially appropriate choice as the first ever Lemoore Chamber of Commerce Agriculturalist of the year. Before World War II, Jack began farming land on the westside, growing grain and cotton. In those days his land was irrigated with well water pumped from underground.

With construction of the San Luis unit of the Central Valley Project in 1968, Jack and his fellow west side farmers realized a life-long dream of bringing fresh surface water to their farms. That change helped transform the west side into one of the most productive agricultural regions in the Nation. But this transformation could not have been possible without the farsighted and stubborn commitment of farmers like Jack Stone.

As one of the visionaries who helped make the VCP a reality, Jack was appointed to the Wetlands Water District Board of directors in 1972, and was elected president 4 years later. He led the district through years of significant change, including two severe droughts, the Reclamation Reform Act of 1982, the Kesterson Reservoir controversy, and the CVP Improvement Act of 1992.

Jack also has served on the boards of more than 20 community, farm, academic, and water-related organizations. He is past chairman of its producers steering committee; a past member of the International Cotton Advisory Committee; and past president of the Western Cotton Growers Association.

He was the Irrigation Institute's Man of the Year in 1989; was inducted into the Cotton Hall of Fame in 1992; and is an active member of the Kings Country sheriff's posse.

Jack Stone is a dedicated valley and west side resident who has played a significant role in the development of Kings County agriculture. I applaud the Lemoore Chamber of Commerce for Recognizing his contributions.

#### DEFICIT REDUCTION

#### HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 13, 1995*

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday,